

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

JOHN PAUL SMITH, JR.)
)
)
Plaintiff,)
)
)
v.) **Case No. 22-CV-285-RAW-JAR**
)
)
AARON WHITE, et al.,)
)
)
Defendants.)

OPINION AND ORDER

On September 27, 2022, Plaintiff John Paul Smith, Jr., a pro se prisoner who is incarcerated at Oklahoma State Penitentiary in McAlester, Oklahoma, filed this civil rights complaint pursuant to 42 U.S.C. 1983. (Dkt. 1 at 8). The five defendants are Captain Aaron White, Warden Luke Pettigrew, Captain C. Longhorn, Sgt. Murphy, and Unit Manager A. Mondon. All the defendants are officials of Joseph Harp Correctional Facility (JHCC) in Lexington, Oklahoma, in Cleveland County.

Plaintiff alleges he was denied due process and equal protection under the law with respect to investigations and the circumstances surrounding his transfer to another correctional facility. The incidents at issue occurred while he was incarcerated at JHCC, which is located within the territorial jurisdiction of the Western District of Oklahoma. *See* 28 U.S.C. § 116(c).

A civil action may be brought in--

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; [or]

(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred,

28 U.S.C. § 1391(b)(1)-(2).

After careful review, the Court finds proper venue does not lie in this district, and the case should be transferred to the Western District of Oklahoma. All the defendants are residents of Lexington, Oklahoma, and the events at issue occurred at the Lexington facility.

ACCORDINGLY, this action is transferred in the interest of justice to the United States District Court for the Western District of Oklahoma. *See* 28 U.S.C. § 1406(a).

IT IS SO ORDERED this 21st day of February 2024.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE